

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID #	001
Customer RID	<input checked="" type="checkbox"/>	24 hours	?	
Internal Staff RID	?	5 working days	<input checked="" type="checkbox"/>	
		As time available	?	

1. Project Name: H.B. Zachry Corporate Headquarters Replat

2. Project Number: Plat ID #030204

(Plat #, Zoning Case #, etc.)

3. Project Street Address: 527 Logwood

(If not available nearest intersection of two public streets)

4. Applicant Name: Gene Dawson

5. Applicant Address: 555 E. Ramsey
San Antonio, Texas 78216

6. Applicant Telephone #: (210) 375-9000

7. Applicant e-mail Address: NA

8. Rule in Question:

(Section and/or policy of UDC, Building Code, Master Plan, etc)

Applicant is challenging a 5-foot dedication requirement along Grosvenor under the provisions of:

35-506 Transportation and Street Design
(d) Cross-Section and Construction Standards
(9) Substandard existing Streets

Where subdivisions are adjacent to existing Streets and right-of-way widths of those existing Streets are less than the minimum right-of-way widths as set out in this chapter for all Streets, no building permits shall be granted until the right-of-way widths have been dedicated to the minimum widths required by this Chapter abutting the development. The provisions of this subsection shall not apply within the Infill Development Zone ("IDZ"). Curb, sidewalk and pavement improvements adjacent to the development for multi-family and commercial developments shall be provided on sub-standard width existing streets at the time of building permit.

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: na **Contact:** Gene Dawson **Contact Telephone #:** (210) 375-9000

Applicant's engineer maintains that no dedication is necessary because the road already functions adequately as a collector with 40/42 foot of pavement and that an additional 5-foot on each side would only serve as an area for streetscape. Such dedication would require an existing fence to be relocated so as to be out of the 5 foot dedicated area. Applicant also maintains that some landscaping presently exist within the 5 foot dedication area.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: 3/23/04

Contact: Bob Opitz

Contact Telephone #: (210) 207-7587

DSD transportation staff maintains that Grosvenor is a major collector with a direct link off of IH 35 and is a major access point for all traffic into the subject site including a number of large trucks and trailers carrying construction equipment and materials. It is also noted by staff that there is traffic exiting IH 35 onto Grosvenor that utilizes rear access points to a major retail area including a large multi screen theater. Due to this it is felt by staff that Grosvenor between IH 35 and Logwood presently and in the foreseeable future will continue its collector street function to carry a sufficient number of vehicles to serve not only the Zachry headquarters but also the retail and theater complex.

It is noted that the additional ROW. dedication is not to for expansion of the pavement section of Grosvenor but to provide screening and landscaping to buffer existing uses in compliance with the stated intent and purpose of the UDC. Staff also notes that the UDC requires the ROW. dedication and that without dedication the UDC provides that building permits cannot be issued for the subject property.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 3/23/04

Contact: Bob Opitz

Contact Telephone #: (210) 207-7587

Staff recommends (based on the above findings) that dedication of five (5) foot of ROW be required with the subject plat but recommends supporting a variance to allow the existing fence and landscaping to remain in use.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: April 22, 2004 **Effective Date of policy/action** April 22, 2004

After review of the applicant and staff position the Director of Development Services finds that the UDC requires dedication. The Director also recognizes that the relocation of the existing fence and disturbance of existing landscaping would be

counter productive. Therefore the Director will support a variance to allow the fence and landscaping to remain as presently located until such time that the owner elects to relocate the fence or the fence is damaged beyond 50 % of replacement value which ever occurs first.

This directive to require dedication but to support a variance in regard to the existing fence and landscaping applies only to the subject property and may not be applicable to other properties. If the applicant does not concur with this directive then the plat may only be forwarded to the Planning Commission with a request by the applicant for a variance to the above provision.

The Director further finds that the question raised by the applicant should be investigated by the DSD transportation staff to determine if there exist any ambiguity in the provision and if so to develop an amendment to the UDC that would not have ambiguity. Due to the nature of this provision and the fact that the same question could arise on other plats it is directed that staff undertake such review on as expedient a time schedule as feasible.

Florencio Peña III, Director
Development Services Department